

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Jamacha Hillside Water Tank Wireless Telecommunications Facility
P06-038; ER 06-14-017**

November 20, 2008

I. Introduction

The proposed project is a Major Use Permit to develop an unmanned wireless communication facility. The project consists of the addition of two mono-broadleaf faux trees. The easterly tree is proposed at 60' high and will carry eight of the 12 proposed panel antennas while the westerly tree is proposed at 50' and will carry the remaining four. There is also a 356 square-foot equipment shelter associated with the installation located near the easterly 60' faux tree. The site is currently developed with a water storage tank operated by Otay Water District and another wireless communications facility with antennas attached to the water tank.

The project site is located on Skyline Truck Trail in the Valle De Oro Community Planning Group, within unincorporated San Diego County; APN 502-240-09. Access would be provided off Wieghhorst Way to an existing private access road maintained by Otay Water District. The site is located within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP) and is therefore subject to the Biological Mitigation Ordinance (BMO).

The biological study was completed for the project area and telco trench route. The project will impact 0.44 acre of urban developed habitat, 0.03 acre disturbed habitat, 0.02 acre of coastal sage scrub. (Table 1). Mitigation will consist of off-site habitat purchase and breeding season avoidance, as detailed in the Mitigation Negative Declaration (MND)

There were no County-sensitive plant species detected onsite. One County-sensitive wildlife species were observed near by the site: California gnatcatcher (*Polioptila californica californica*), three individuals were observed east and west of the site. The project will be conditioned to prevent any disturbance during avian breeding season. The site is within the Metro-Lakeside-Jamul segment of the County Subarea Plan and is not considered a Biological Resource Core Area (BRCA).

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Coastal Sage Scrub	II	0.02	1.5:1	0.03
Urban/ Developed	IV	0.44	N/A	N/A
Disturbed	IV	0.03	N/A	N/A
Total:	--	0.49		0.03

The findings contained within this document are based on County records, staff site visits and the Biological resources report prepared by Merkel and Associates and dated March 31, 2008. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall require new findings based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is not shown as being a Pre-Approved Mitigation Area (PAMA) on the MSCP County Subarea Plan maps. The nearest PAMA surrounds the parcel on the east, south, and west side. The area is located approximately 60-100 feet away from the project impacts.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The impacted area will not contribute to the long-term survival of sensitive species due to the existing water tank and existing cell site facilities onsite. The additional cell site will impact a small amount of native habitat. Though the parcel is surrounded on three sides by PAMA, the minimal impacts created by the cell site are adjacent to the existing water tank which is not located in PAMA and has low value habitat. The 34 acres of adjacent open space was mitigation for a near by subdivision, the open space is surrounded by dense residential development limiting its value in supporting the long term survival of sensitive species.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. There is heavy industrial use approximately 70 feet to the north and dense residential development 700-1000 feet away to the east, south, and west.

iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.

The majority of the site is mapped as "low" and "medium" value. The impacts will take place within the low value habitat surrounding the existing water tank. The land does not link small isolated patches of habitat.

v. The land consists of or is within a block of habitat greater than 500 acres in an area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

The land does not consist, nor is it within a block of undisturbed habitat greater than 500-acres. The land is surrounded by existing heavy industrial use and 34 acres of open space. The nearest large block of diverse and undisturbed habitat within the MSCP is located one mile to the southwest

- vi. **The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
 - a. **Gabbroic rock;**
 - b. **Metavolcanic rock;**
 - c. **Clay;**
 - d. **Coastal sandstone**

The land does not contain a high number of sensitive species. Soils on site consist of Cienega-Fallbrook rocky sandy loams, which are not known to support sensitive species.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Project impacts will be mitigated by off site preservation. Off site purchases will be for 0.03 acre of coastal sage scrub. These purchases will be within a County-approved mitigation bank in a BRCA within the MSCP.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact any of these types of resources. Project design criteria, including attachments G and H of the BMO, are not required.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

No wetlands or wetland habitats are associated with the project impacts. Therefore, the project will not conflict with state and federal wetland goals or policies.

- 2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project is placing a wireless communication facility on an existing water tank operated by Otay Water District. As designed the project will create minimal impacts to coastal sage scrub. The off site mitigation within a BRCA for impacts to coastal sage scrub will be effective in maximizing diversity and preserving unique resources than trying to accommodate preservation on site.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

There are stands of Coastal Sage Scrub adjacent to the water tank and off site within existing open space. The MSCP habitat evaluation model ranks the site as low habitat value. Therefore conservation of coastal sage scrub onsite for the minimal impacts is not ideal. The off site mitigation within a BRCA for impacts to coastal sage scrub will be effective in preserving high value habitat.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

No onsite open space is proposed. Due to the small size of the impacts, it is not possible or desirable to create a significant block of habitat on the site.

- 5. The project provides for the development of the least sensitive habitat areas.**

The project site contains one sensitive habitat: coastal sage scrub. The cell site is being placed on the least sensitive region of the site adjacent to the existing water tank and next to an existing cell site. What little habitat the project is impacting has minimal value for long-term conservation of sensitive plants or wildlife. Therefore, the development of this cell site will preserve higher quality habitat through off-site mitigation.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

No sensitive plant species and one sensitive animal species was observed on-site. Off site mitigation purchases within MSCP will be for 0.03 acre of coastal sage scrub. The mitigation will effectively conserve this habitat. Therefore, the project will not impact key regional populations of covered species.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Therefore, the project will not affect any large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule Deer, Golden Eagles and large predators.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No narrow endemic species have been identified on the project site.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project site is not considered a Biological Resources Core Area for the reasons stated in section II.A. Therefore, the additional cell site will not hinder possible preserve systems within the Subarea Plan.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

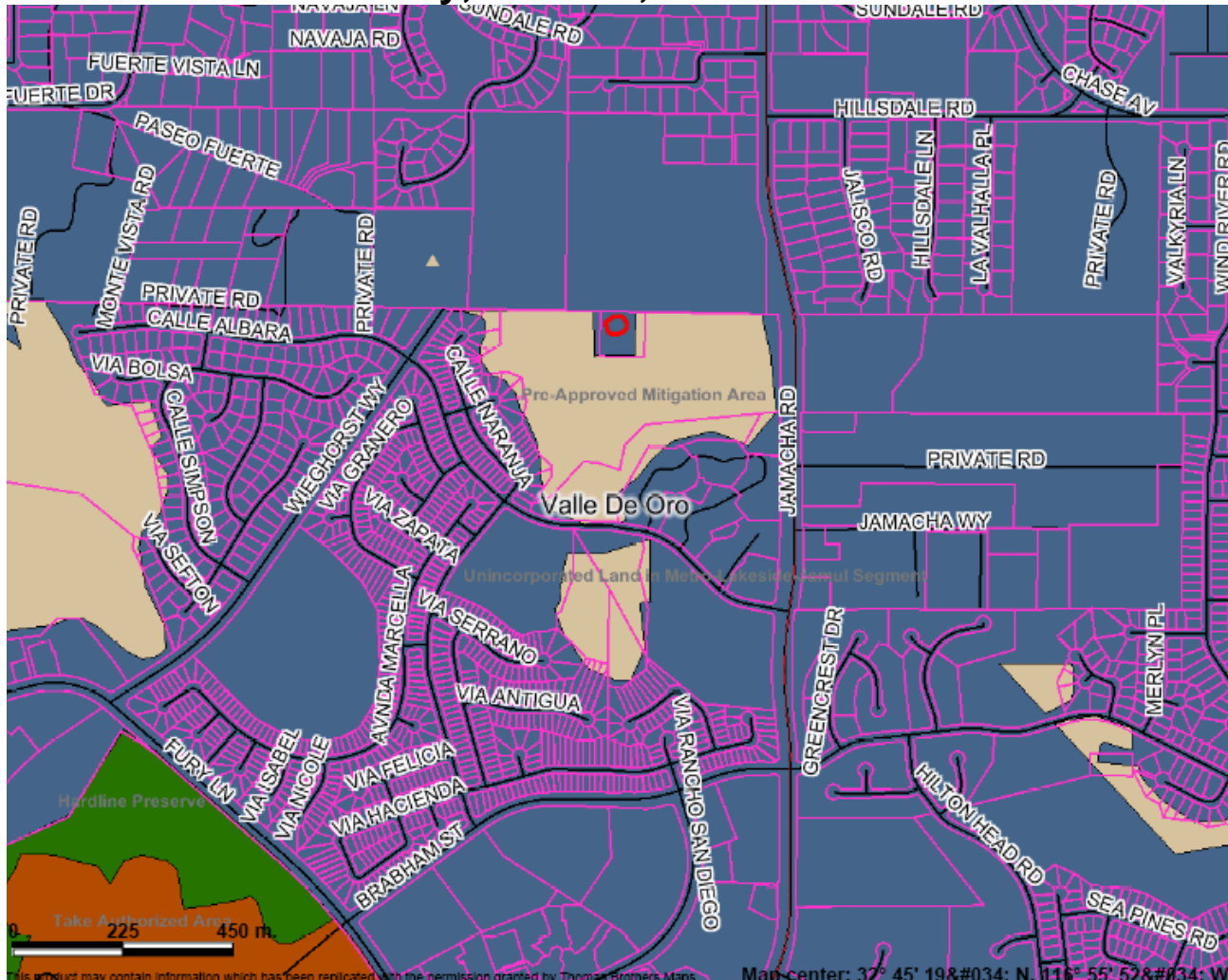
The project is not proposing any onsite open space.

- 11. Every effort has been made to avoid impacts to BRCA's, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site is not a BRCA. No significant populations of sensitive species are expected to reside on the property due to its isolation and surrounding industrial and residential development. The minimal impacts to coastal sage scrub habitat will be fully mitigated off site in a BRCA where the preservation will contribute to regional preservation of species and diverse habitats.

Monica Bilodeau, Department of Planning and Land Use
November 20, 2008

MSCP Designation for Jamacha Hillside Water Tank Wireless Telecommunications Facility, P06-038; ER 06-14-017



- Parcels
- Highways
- Freeways
- Streets
- Water Bodies
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- MSCP_Designations - South
- Hardline Preserve
- Pre-Approved Mitigation Area (PAMA)
- Major Amendment Area
- Minor Amendment Area
- Minor Amendment Area Subject to Special Considerations

- Conserved Subject to Agreement with Wildlife Agencies
- Santa Fe Valley Open Space II
- Santa Fe Valley 'D' Designator
- Otay Ranch Areas Where No Take Permits will be Issued
- Take Authorized Area
- Unincorporated Land in Metro-Lakeside-Jamul Segment
- Other
- Community Planning Area